

**IN THE COURT OF CIVIL JUDGE (SD), GOGARI
PRESIDED BY SH. SUMIT KUMAR SINGH
TITLE SUIT NO. 95 OF 2022**

IN THE MATTER OF:

SHASHI BHUSHAN SINGH ...PLAINTIFF

VERSUS

THE DISTRICT COLLECTOR & ORS. ...DEFENDANTS

**ORDER
18.03.2024**

Present application dated 31.07.2023 has been filed by the plaintiff under Order 26 Rule 9 CPC for appointment of survey knowing pleader commissioner.

It has been submitted that the plaintiff had filed the present suit seeking permanent injunction against the defendants. It was claimed that the ancestor of plaintiff had gifted a part of the family property to the State for construction of Middle School. The land so gifted to the State is situated in the middle of the entire property of the plaintiff. There is a road in the eastern boundary of the entire property. The school is required to cross the land of plaintiff to access the road. As such it was submitted that it would be feasible for both the parties to settle the dispute by adjusting each-others property mutually. And for this purpose, prayer was made to appoint a survey knowing pleader

commissioner. It was claimed that the arrangement would not cause hinderance in the proper functioning of the school.

On the other hand, Id. AGP for the State had submitted that the present application has been filed by the plaintiff to attain the illegal gratification which they are not able to achieve otherwise. It has been submitted that once the land has been gifted to the State, the plaintiff is looking for a chance to shift the property of the school. And thus, prayer was made to reject the present application.

Heard Id. Counsel for the parties and perused the record. It appears that the present suit has been filed by the plaintiff seeking permanent injunction against the defendant State. Now the plaintiff wishes to examine the physical feature of the suit property to explore the possibility of the settlement of the dispute. There is no harm in exploring the possibility of settlement of dispute as that would save necessary time and money of the State. As such the present application is allowed. Fees of SKPC is fixed at Rs. 10,000. Plaintiff to pay the fees before the next date of hearing. List the matter on 24.04.2024.

Civil Judge (SD)